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3 **SIERRA CLUB ENVIRONMENTAL LAW PROGRAM**

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7 **Attorneys for Plaintiff Sierra Club**

8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 OAKLAND DIVISION

11 SIERRA CLUB,

12 Plaintiff,

13 v.

14 UNITED STATES DEPARTMENT OF THE
15 INTERIOR,

16 Defendant.

CASE NO. 4:19-cv-01492-KAW

**JOINT STIPULATION TO
CONTINUE INITIAL CASE
MANAGEMENT CONFERENCE
AND [~~PROPOSED~~] ORDER**

17 Pursuant to Civil Local Rules 6-1(b) and 7-12, Plaintiff, Sierra Club, and Defendant, United
18 States Department of the Interior (“Interior”), jointly stipulate to continue the initial case management
19 conference currently set for October 22, 2019, to December 10, 2019, subject to the Court’s approval.

20 The reasons for this request are as follows:

21 1. On March 22, 2019, Plaintiff filed its Complaint for relief under the Freedom of
22 Information Act (“FOIA”), 5 U.S.C. § 552, as amended. ECF No. 1.

23 2. Defendant filed its Answer on April 29, 2019. ECF No. 13.

24 3. The parties have initiated a meet and confer process regarding a possible timeline for
25

1 Defendant to respond to Plaintiff's FOIA requests and potential limitations on the scope of Plaintiff's
2 requests.

3 4. Following the parties' initial discussions, Defendant provided Plaintiff with some
4 information regarding the volume and attributes of the data being collected, and the parties continue to
5 discuss the issues. Defendant has agreed to review 1,000 pages per month as an interim measure while
6 the meet and confer regarding a production schedule proceeds.

7 5. On June 18, 2019, the parties requested to continue the case management conference to
8 facilitate continued settlement discussions. ECF No. 19.

9 6. On June 20, 2019, the Court continued the case management conference to August 6,
10 2019. ECF No. 21.

11 7. On July 29, 2019, the parties again requested to continue the case management
12 conference to facilitate continued settlement discussions. ECF No. 22.

13 8. On July 30, 2019, the Court continued the case management conference to September 17,
14 2019. ECF No. 23.

15 9. On September 9, 2019, the parties again parties again requested to continue the case
16 management conference to facilitate continued settlement discussions. ECF No. 24.

17 10. On September 11, 2019, the Court continued the case management conference to
18 September 17, 2019. ECF No. 25.

19 11. Since then, the parties have continued to discuss ways to narrow and prioritize Plaintiff's
20 requested documents in an attempt to facilitate a more rapid production by Defendants. The parties have
21 agreed upon categories of custodians from which to prioritize production and an initial list of priority
22 domain names for search and production. Defendants have made six separate productions, totaling
23 4,705 pages, and Defendants have agreed to continue to review at least 1,000 pages per month for
24 production on the first Friday of the month.

25 12. The parties believe that their discussions have been and may continue to be productive
26 and respectfully request that the Court permit this process to continue. The parties therefore request that
27 the Court continue the initial case management conference currently set for October 22, 2019, to
28 December 10, 2019, along with the corresponding deadline to file a case management statement.

13. This change will not alter the date of any event or deadline already fixed by Court order, other than the date of the initial case management conference and case management statement.

IT IS HEREBY STIPULATED, by the parties to the above-captioned action, subject to the approval of the Court, that the initial case management conference be continued to December 10, 2019.

DATED: October 15, 2019

/s/ Louisa Eberle¹

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Respectfully submitted,

David L. Anderson

United States Attorney

/s/ Emmet Ong

EMMET ONG

Assistant United States Attorney

Attorneys for Defendant

¹ In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury that all signatories have concurred in the filing of this document.

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The initial case management conference set for October 22, 2019, is continued to December 10, 2019, at 1:30 p.m. in the Ronald Dellums Federal Building. A case management statement is due by December 3, 2019.

DATE: 10/18/2019


The Honorable Kandis A. Westmore
United States Magistrate Judge